IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 135 of 2005

In

WRIT PETITION No. 2291 OF 1995

Shetkari Sahakar Dudh Utpadak Va
Paravatha Sangh Ltd. .. Applicant

versus

Nanasaheb Namdeo Karande .. Respondent

...

Mr.R.M. Khandekar with Mr.M.S. Topkar for the applicant.

Mr.S.P. Kadam for the respondent..

CORAM : B.H. MARLAPALLE,J

DATED : 20th October 2005.

P.C.:

1. This is an application praying for restoration of Writ Petition no.2291 of 1995 which was dismissed in default by this Court on 9th

November 2001. No separate application for condonation of delay has been filed though the application appears to have been presented on or about 6th December 2004 but registered for the first time in March 2005. For the delay caused in filing this application, the applicant has blamed his Advocate. The application has not been verified by the applicant petitioner nor is there any affidavit in support of this application which has been signed by the learned Advocate. It is also noted that Writ Petition no. 2291 of 1995 was filed through Mr.A.V. Kothari and Mr.Umesh Madon whereas this application has been filed through Mr.M.S. Topkar, the learned Advocate.

2. The notice of termination dated 7th October 1988 issued by the present petitioner came to be challenged in complaint (ULP) No.228 of 1988 before the Labour Court. On 25.10.1988 the Labour Court had directed to allow the complainant to resumt his duties and finally, the Labour Court allowed the complaint by its judgement and order dated 7th April 1993. Aggrieved by the same, the petitioner employer approached the Industrial Court in Revision Application (ULP) No.799 of 1993 and the said

Revision came to be dismissed on 13.1.1995.

3. Thus, both the Courts below recorded concurrent findings against the petitioner employer and obviously the respondent employee was deprived of the benefits of the order of reinstatement during the last 10 years or so.

4. The delay caused in applying for restoration has not been explained satisfactorily and the explanation furnished does not make out a case of good and sufficient reason. This application must therefore fail. The same is hereby rejected.

B.H. MARLAPALLE, J